

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Jeffery Wells,)	C/A No.: 3:19-3578-CMC-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
One Way Logistics, LLC and)	
LaJuanza Laverte Dargins,)	
)	
Defendants.)	
)	

This matter comes before the court on a review of the docket, which reveals more than twenty-one days have passed since the date shown on the proof of service for Defendant One Way Logistics, LLC (“OWL”), yet no answer has been filed and no appearance has been entered on behalf of OWL. It, therefore, appears that OWL may be in default if the action has not otherwise been resolved.

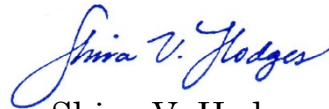
Plaintiff shall advise the court by November 23, 2020 whether this matter has been resolved and, if not, how Plaintiff elects to proceed. If Plaintiff intends to file a request for entry of default pursuant to Fed. R. Civ. P. 55, such request should be filed by November 23, 2020.¹ If Plaintiff fails to

¹ If OWL is in default, Plaintiff should advise the court whether the matter is ripe for resolution as to OWL and what is necessary for resolution of the relevant claims. If the matter is ripe for resolution, Plaintiff is directed to address: (1) whether all damages claimed are liquidated or the matter seeks only specified declaratory judgment (allowing resolution without further

request entry of default or to take other action to advance this matter, this action will be recommended for dismissal without prejudice for failure to prosecute as to OWL.

IT IS SO ORDERED.

November 12, 2020
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge

hearing or motion and entry of judgment against OWL); (2) whether any claims for unliquidated damages are waived; (3) if unliquidated damages claims are not waived, how those claims should be resolved. If the matter is ripe for resolution and unliquidated damage claims remain, Plaintiff should file a separate motion seeking resolution on written submissions under a summary judgment standard or through an evidentiary hearing. Such separate motion should address: (1) the damages sought (categories and amounts); (2) the standards by which the damages should be measured; (3) whether the matter may be resolved on the written submissions (and, if so, attaching supporting evidence); (4) if a hearing may be necessary, the witnesses and evidence which will be presented and estimated hearing time; and (5) whether a jury demand has been made (in which event a jury trial as to unliquidated damages may be required). If a hearing or trial may be required, Plaintiff should address whether the hearing/trial as to OWL should be deferred to allow for a single, consolidated hearing/trial, to include defendant LaJuanza Laverte Dargins.